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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,555	06/20/2003	Jin Li	MCS-004-03 (303703.01)	6040

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07/26/2007

EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,555

Applicant(s)

LI, JIN

Examiner

Duy M. Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 2-10, 23-30, 43-48, 63, and 67-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-22, 31-42, 49-62 and 64-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of "Invention I, Species 4" in the reply filed on May 7, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement as well as to indicate whether or not the election made with or without traverse, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Applicant's amendment to withdraw all claims directed to non-elected Inventions and Species has been entered and made of record.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 11-22, 31-42, 49-62, and 64-66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In this case, claim 1, as a representative claim, is directed to a "computer-readable medium having computer executable instructions" which is considered as a functional descriptive material recorded on a computer-readable medium. Normally the claim would be statutory. However, the instant specification discloses that claimed computer-readable medium encompasses statutory subject matter such as "RAM, ROM, EEPROM, flash memory,..." (see page 9 lines 10-20 of the specification) as well as non-statutory subject matter such as "carrier wave and wireless media" (see page 9 lines 10-27 of the specification). Since the scope of the claim covers the non-statutory subject matter as properly read in light of the disclosure, the claim

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as a whole is considered non-statutory. The examine suggests (a)to amend claim to include the disclosed statutory subject matter and exclude the nonstatutory subject matter at the same time, (b)amend the specification to delete such non-statutory subject matter, or (c)amend claim by deleting “computer-readable medium” and insert “computer-readable storage medium” in order to meet section 101 requirements. Any amendment to claim and/or specification should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 15-22, 35-42, 53-59, and 64-66 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant’s admitted prior art (see figures 2-3 and their corresponding text portion described in the instant specification. Referred as the AAPA hereinafter).

Regarding claim 1, as a representative claim, the AAPA teaches decomposing an input signal into constituent components (see wavelet of figure 2); encoding (see entropy coder of figure 2) the constituent components into individual bitstreams with corresponding decoder pointer being generated as a part of the encoding (see the separation mark or markers between individual portion of each output at each coder); and multiplexing the individual bitstreams into a combined bitstream, with synchronization of the multiplexing being controlled by the decoder pointers generated during the constituent components (see bitstream assembly. Note that the

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recitation of “synchronization” is inherently included in the bitstream assembly in order for the combined bitstreams, output of the bitstream assembly to be properly generated).

Regarding claims 15-21, the AAPA further teaches these claimed features (see figure 1).

Regarding claims 22, 42, and 59, these claims are also rejected for the same reasons as set forth in claim 1 above.

Regarding claims 35-41, 53-58, and 64-66, these claims are also rejected for the same reasons as set forth in claims 15-21 above.

Allowable Subject Matter

7. Claims 11-14, 31-34, 49-52, and 60-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as well as overcoming the rejection under section 101 as set forth above.

Conclusion

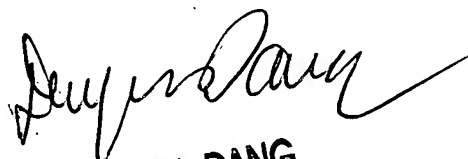
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd
7/07


DUY M. DANG
PRIMARY EXAMINER